

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Huff

February 21, 2008

An act to add Section 40300.7 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as introduced, Huff. Arrests: noncitizens.

(1) Existing law, the California Uniform Controlled Substances Act, provides that when there is reason to believe that any person arrested for a specified controlled substances violation may not be a citizen of the United States, the arresting agency is required to notify the appropriate agency of the United States having charge of deportation matters.

This bill would additionally require the arresting agency to make this notification whenever a peace officer has reason to believe that any person arrested for a specified driving under the influence (DUI) offense may not be a citizen of the United States. By increasing the duties of local law enforcement officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40300.7 is added to the Vehicle Code,
2 to read:
3 40300.7. Notwithstanding Section 40300 of this chapter,
4 whenever a peace officer has reason to believe that any person
5 arrested for a violation of Sections 23136, 23140, 23152, 23153,
6 or 23154, may not be a citizen of the United States, the arresting
7 agency shall notify the appropriate agency of the United States
8 having charge of deportation matters.
9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.